

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
1:23CV00878-TDS-JEP

DEMOCRACY NORTH CAROLINA;)
NORTH CAROLINA BLACK ALLIANCE;)
LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA,)
Plaintiffs,)
)
vs.)
)
ALAN HIRSCH, in his official capacity)
As CHAIR OF THE STATE BOARD OF)
ELECTIONS; JEFF CARMON III, in his)
official capacity as SECRETARY OF THE)
STATE BOARD OF ELECTIONS; STACY EGGERS)
IV, in his official capacity as MEMBER)
OF THE STATE BOARD OF ELECTIONS;)
SIOBHAN O'DUFFY MILLEN, in her)
official capacity as MEMBER OF THE)
STATE BOARD OF ELECTIONS; KAREN)
BRINSON BELL, in her official capacity)
as EXECUTIVE DIRECTOR OF THE STATE)
BOARD OF ELECTIONS; NORTH CAROLINA)
STATE BOARD OF ELECTIONS,)
Defendants)

DEPOSITION

OF

PAUL GREY MILLS, JR.

September 13, 2024 - 10:02 a.m.

301 Hillsborough Street
Raleigh, North Carolina

PREPARED BY: Susan A. Hurrey, RPR
Discovery Court Reporters
and Legal Videographers, LLC
4208 Six Forks Road
Suite 1000
Raleigh, North Carolina 27609
919-424-8242
www.discoverydepo.com

1 Q. Sure. I mean, this kind of substance of the work and
2 the tasks that you y'all were tasked with on the board, did it
3 change how you went about your work with him?

4 A. No. I think -- I mean, the role is to do the best you
5 can. And I think he tried to do that. I know I tried to do
6 that, regardless of what party you're with.

7 Q. Would you say that dynamic was common during your time
8 on the board?

9 A. Yeah. Yeah. Because Alan Carpenter, he was also on
10 the board. He was a democrat. He was chairman. He was a
11 local attorney. I think he did a lot of real estate stuff. He
12 was a fine fellow.

13 Q. What are your current committee assignments in the
14 general assembly? I won't hold you to it.

15 A. I co-chair the Joint Legislative Ethics Committee and
16 I chair the House Elections and Campaign Finance Committee. I
17 am vice chair of Ted Davis's, I think, Judiciary 1 House
18 Committee. I'm on appropriations. But the ones that take up
19 my time are the ones that you -- you know, like the elections
20 and the ethics because those are the ones you chair.

21 Q. What goes into being a committee chair?

22 A. Just -- I mean, you want to make sure you have got a
23 good process. You want to make sure that you run an
24 effective committee meeting where members can do what they need
25 do as members. You want a good legislative product at the end

1 A. Yeah.

2 Q. How do you determine whether or not something serves
3 election integrity when you're looking at a proposal?

4 A. Common sense. You know, I mean, we hear a lot from
5 the people back home. We have constituents that contact us
6 with concerns. Every member does. And you work with your
7 members through the legislative process to hopefully produce
8 the best bill that's good for everybody.

9 Q. Do you do any kind of your own research into these
10 issues when people bring them to you?

11 A. What do you mean, research?

12 Q. So if someone raises a concern to you, what do you do
13 with that? Do you investigate it to see what the problem might
14 be?

15 A. Possibly. I mean, we might talk about it with other
16 members. Things of that nature. But I mean, research, I don't
17 go out and conduct poles or anything.

18 Q. Sure. Would you ask for any data on a particular
19 issue if you were trying to understand it better?

20 A. People will sometimes bring you data, but I'm not in
21 the habit of going out and asking for data.

22 Q. So you don't solicit it, but people bring it to you?

23 A. Give me an example.

24 Q. So if you were going to make a change to -- let's take
25 the deadline for receiving absentee ballots, the county board

1 let's say, doesn't get to vote because the postal service made
2 a mistake. Is that an election integrity issue?

3 A. I would characterize that as something that happens
4 very rarely. That language with the one mailer, I think, is
5 good language. I think it's -- it makes our -- the way that we
6 handle same-day registration better. I agree with it. It
7 actually came from the board, that idea of the one mailer. I
8 mean, you can always find -- you can hypothetically talk about
9 a lot of things, well, this could happen or that could happen.
10 What we have to do is pass the best legislation we can for the
11 entire state and I think that that bill does that.

12 Q. Okay. So a couple things going to talk a little bit
13 more there. And we're going to definitely talk about where it
14 came from, how you interfaced with the board on it. So we'll
15 get to that for sure. So you described it as something that
16 happens rare, right, that one bouncing back?

17 A. Yeah, what you just described I would say happens
18 rare. And I think that the language that we have in that bill
19 is good, and I think it improved our elections process.

20 Q. Even in that rare circumstance, do you think it's an
21 election integrity issue for that person?

22 A. What you just described is something that happens
23 rare. Would I describe it as elections integrity? I don't
24 know what you are trying to get to with that. I mean, I think
25 it's a situation that rarely happens. It's unfortunate, but

1 A. I would say it's rare.

2 Q. What do you base that belief on?

3 A. Well, I use the post office. Based off of personal
4 experience. I mean, I practiced law for 20 years. We used the
5 post office. As an elected official I use the post office. I
6 use it in our -- what I do for a living now, I use the post
7 office.

8 Q. Your experience on the Iredell County Board of
9 Elections influence that belief at all?

10 A. I was not aware of any issues with the post office. I
11 can't recall ever thinking that's a terrible post office or
12 anything like that during my service on the Iredell County
13 board.

14 Q. Okay. Would you say election fraud is also rare in
15 North Carolina?

16 MR. STRACH: Objection. Go ahead.

17 THE WITNESS: You know, some people -- I mean,
18 election fraud might happen. Mistakes happen is what happens.

19 BY MR. SHENTON:

20 Q. So yes, you would describe it as rare?

21 A. Honestly, I don't know.

22 Q. Would you describe it as common?

23 A. I would not describe it as common.

24 Q. How does the number and experience of elections staff
25 who are running an election impact election integrity, in your

1 A. When I was on the board in Iredell County I did not
2 see anything that undermined election integrity. Not that I
3 recall.

4 Q. That's all I'm asking. If I said to you that the law
5 that was in place for same-day registration during your time on
6 the county board of elections was the law around same-day
7 registration up until the passage of Senate Bill 747 into law,
8 would that sound right to you?

9 A. I don't know.

10 Q. Okay. Any reason to doubt that?

11 A. No.

12 Q. Just a few more questions about your time on the
13 board. Do you ever notice college students having a hard time
14 registering to vote with the county board of elections?

15 A. No.

16 Q. Any issues that young voters had during your time
17 there?

18 A. No.

19 Q. Did you ever experience or hear of any issues with
20 voters forging a HAVA document?

21 A. No, not that I recall. Are you talking about when I
22 was -- my time on the board?

23 Q. Correct.

24 A. Not that I recall.

25 Q. And just for the record, you know what a HAVA document

1 family law, which is way outside of my area. Never did file
2 it, but it came from a constituent. They had an issue in their
3 family law and so I got with the appropriate staff and was
4 working on a bill for that. But I never did file it.

5 Sometimes you get things from constituents. Some election
6 issues can come from constituents. And other things you have
7 an interest in. You know, it might be -- you know, it could be
8 anything.

9 Q. When you talk to a constituent about an idea for a
10 bill, do they ever propose bill language to you?

11 A. That has happened. Sometimes they'll say this needs
12 to be changed. This -- and needs to be or, or something.

13 Q. Yeah. But you take the ideas wherever they come and
14 you evaluate them on their own merits, is that right?

15 A. I mean, if you think it's a good idea. It could come
16 from an interest group. It can come from a constituent. It
17 can come from anywhere. If it's a good idea you might -- a
18 memory might decide to work on that with staff and develop a
19 bill for it.

20 Q. When it comes time to draft bill language, do you work
21 with the nonpartisan staff in bill drafting?

22 A. Yeah. Is there an example?

23 Q. Just in general.

24 A. Yeah. So if I had a bill that I was interested in
25 drafting I would -- probably my first phone call would be to

1 Q. So give you an idea of kind of the time frame you're
2 working in?

3 A. Yeah.

4 Q. Do they take an interest in particular pieces of
5 legislation?

6 A. The speaker may. When it comes to this, he never
7 really has.

8 Q. Okay.

9 A. Not to me directly. He doesn't come to me and say,
10 hey, you got a bill in your committee and you need to hear it.
11 Nothing like that.

12 Q. Okay. When did the idea to do an elections omnibus
13 bill in this session come about?

14 A. You would have to ask the senate. It's a senate bill.
15 It came from them. And then we thought well, let's just make
16 it better.

17 Q. So the senate kind of came up with the idea?

18 A. Yeah, the senate bill crossed over when? In May or
19 June. And then it's in my committee. And there's some stuff
20 on there that was of interest to me, to members of the
21 committee, and so that's when I started working on it.

22 Q. Okay.

23 MR. SHENTON: We're at about an hour. Do you
24 need a break? Let's take a quick break. You guys want to take
25 five, seven minutes?

1 A. Making election day the date that all ballots are due,
2 I think, actually passed the session before, at least in the
3 house. The no private money -- I mean, it's a big bill. It
4 ended up being 43 pages. No private money in the public
5 elections. That had been discussed the previous session. So
6 there were parts of the bill that had been passed and/or
7 debated and/or discussed previously.

8 Q. What about the same-day registration provisions?

9 A. I would think that that had been discussed. I can't
10 remember a bill number.

11 Q. Okay.

12 A. From the prior session.

13 Q. Okay.

14 A. Or, you know, that session. But I would -- yeah, I
15 would have been -- that was a topic in the chambers.

16 Q. Okay. What do you remember about the discussions
17 around same-day registration in the prior session?

18 A. Not much. I mean, just that people had concerns,
19 legitimate concerns. We can do better and we need do better.

20 Q. What were those concerns?

21 A. That with -- with same-day voter registration? That
22 we needed a better process. The elections procedures could be
23 improved to make sure that the integrity of vote was protected.

24 Q. Okay. And improved how?

25 A. To make sure that every legal vote is counted.

1 Q. Sure. I guess I'm a little bit confused by what you
2 mean by improved. Because you say, sure, you're only going to
3 pass legislation if you think something can be made better. Is
4 that fair to say?

5 A. Absolutely.

6 Q. So making things better in the context of same-day
7 registration would seem to suggest that you have identified a
8 problem or an issue or a concern that needed to be improved
9 about same-day registration, is that right?

10 A. The issue and problem of concern was the two mailings
11 and notification coming back too late to the board.

12 Q. Okay. Tell me a little bit more about that.

13 A. Just as I described it.

14 Q. So the concern was that the mailings were coming back
15 too late to the county boards?

16 A. Correct.

17 Q. For same-day registrants?

18 A. So you would have an improper vote count.

19 Q. An improper vote how?

20 A. It shouldn't have been counted. It was improper.

21 Q. Why was it improper though?

22 A. Well, a vote can be improper for any number of
23 reasons. You have got to be a -- you have to be a registered
24 voter to vote and to be a registered voter you have got to be a
25 citizen. You need to live for the districts -- for instance, I

1 represent House District 95. It ought to be the people in
2 House District 95 who are voting for that -- for me in that
3 seat, who are voting for my opponent in that seat.

4 Q. Okay.

5 A. You can have improper votes for --

6 Q. And the same-day registration process was producing
7 improper votes?

8 A. It could be better. We needed to improve the process.

9 Q. Because it was producing improper votes or for some
10 other reason?

11 A. Because it could and did produce improper votes being
12 counted. If you can improve something, you need to do it.

13 Q. So it did produce improper votes being counted and
14 that's why it needed to be improved, is that fair?

15 A. Yes. But also you have got to protect the integrity
16 of the vote. You need people to feel good about the vote.

17 Q. Okay. So is the people feeling good about the
18 integrity of vote, is that -- how does that relate to whether
19 or not improper votes are being counted? I guess to rephrase
20 my question slightly since I recognize that was a little
21 confusing. Could someone be concerned about the integrity of
22 vote in a situation where there weren't improper votes actually
23 being counted?

24 A. Could someone be concerned about the integrity of the
25 vote where there weren't improper votes being counted?

1 Q. Which votes were those?

2 A. I think 747 improves our voting process.

3 Q. Which votes were those that were being counted under
4 the old same-day registration system improperly?

5 MR. STRACH: Objection. Go ahead.

6 THE WITNESS: If you have someone who did not
7 live in the correct district, gave the wrong address. Could be
8 any number of reasons.

9 BY MR. SHENTON:

10 Q. Any others you've identified?

11 A. I mean, here today? I mean, it could be for any of
12 the reasons that make a vote improper. I mean, I think more
13 times than not it would be a mistake. Oh, I live in that
14 district or I don't, when they really don't or something of
15 that nature and they might vote in the wrong district.

16 Q. Okay. So someone might vote in the wrong place on
17 accident. Any other things this came up in that context of the
18 previous session discussion around same-day registration?

19 A. Came up in the -- are we talking about what happened
20 in the session before?

21 Q. We're talking about both.

22 A. Okay. So what's your question?

23 Q. So you identified one possible category of voters,
24 people who were mistaken about where they lived and using
25 same-day registration.

1 A. Yeah. I was giving my -- okay. What's your question?

2 Q. Any other examples like that where someone might use
3 same-day registration to cast an improper vote?

4 A. To me that's the biggest problem, people getting it
5 wrong and the card doesn't go back. That's the reason one-card
6 mailing is better than the two-card mailing.

7 Q. And people getting it wrong, people writing down the
8 wrong address?

9 A. Giving the wrong address, putting the wrong address on
10 the application, whatever. It could be some people trying to
11 commit fraud. I don't know. You know, those things could
12 happen.

13 Q. Do you know of any specific examples of a time when
14 someone wrote the wrong address down under same-day
15 registration?

16 A. I don't know any -- I do not know personally, no.

17 Q. Don't have any knowledge of any such case?

18 A. No. But there's people that do.

19 Q. Okay.

20 A. I don't know anyone personally.

21 Q. Or know of one that happened somewhere elsewhere where
22 you might not have known personally but you heard about it?

23 A. I do not know personally, no.

24 Q. Okay. Do you know of any examples where someone
25 intentionally wrote the wrong address to try and vote in a

1 place where they shouldn't have?

2 A. Personally? No, I do not know anyone.

3 Q. Do you know of any examples?

4 A. No. You know, you have people present examples all
5 the time when you're down here. When you're a member of the
6 general assembly, people bring you information.

7 Q. So people brought you examples of times where people
8 intentionally wrote the wrong address down?

9 A. You get a lot of emails. You get a lot of people
10 telling you stuff.

11 Q. Did you investigate any of those to see if they were
12 -- if they bore out --

13 A. No. No.

14 Q. Okay. I'm going to introduce a document that's been
15 previously marked as plaintiff's Exhibit-2, it's document four.

16 A. Thank you.

17 Q. Take a moment to take a look at that.

18 A. Okay.

19 Q. Flip through it real quick. Have you ever seen this
20 article before?

21 A. I don't recall seeing this article before.

22 Q. Okay. Are you familiar with Dr. Andy Jackson?

23 A. I do know Dr. Andy Jackson.

24 Q. What do you know about Dr. Jackson?

25 A. He works at John Locke.

1 Q. -- the change, but the house did not?

2 A. No. And that wasn't the board's recommendation.

3 Q. So did you review any election data on same-day
4 registration before starting the house process on Senate Bill
5 747?

6 A. I do not recall. Maybe.

7 Q. Would you have asked for any such data?

8 A. No.

9 Q. So if you reviewed it, it was because someone brought
10 it --

11 A. It was because a member would have brought it to me.
12 Maybe a staff person would have brought it to me.

13 Q. Do you remember any conclusions you took from any data
14 like that?

15 A. I don't remember. I don't remember.

16 Q. Don't remember any specifics?

17 A. No.

18 Q. So fair to say you didn't factor it in heavily if you
19 did look at it?

20 MR. STRACH: Objection.

21 THE WITNESS: No. No.

22 BY MR. SHENTON:

23 Q. No, you did not factor it in heavily, correct?

24 A. I don't recall that happening.

25 Q. Okay. All right. Without getting into any content of

1 A. Which email?

2 Q. This email, the --

3 A. This email? No.

4 Q. Did you discuss it with Mr. Barefoot?

5 A. I don't recall.

6 Q. Anyone on the speaker's staff?

7 A. I wouldn't think so, no. Certainly don't recall doing
8 that.

9 Q. Anyone on the committee staff?

10 A. No.

11 Q. No one on central staff?

12 A. No. I don't know who Tiger Lily is.

13 Q. Okay.

14 A. They didn't put their name.

15 Q. All right. I'm going to introduce a new exhibit now.

16 It's a document number 10. We'll mark it as -- oh, no, I'm
17 sorry this has already previously been marked as plaintiff's
18 Exhibit-7. Excuse me.

19 A. Thank you.

20 Q. Take a moment to familiarize yourself with the
21 document.

22 A. Okay. I see it. It's an email.

23 Q. Do you recognize this email?

24 A. No. But I can see it was sent on March 1, 2023.

25 Q. It's addressed to you, right?

1 A. It's addressed to me.

2 Q. And it's from Mr. Jim Womack?

3 A. Yes, it is.

4 Q. And then turn you to page two.

5 A. Uh-huh. Page two.

6 Q. Look likes we have got another list of legislative
7 priorities also purporting to be from the North Carolina
8 Election Integrity Team, is that right?

9 A. Yes, that's what it appears to be.

10 Q. Just real briefly, I'll direct you to near the bottom
11 of item number one it's got that same language about
12 out-of-state students that we just discussed?

13 A. It appears to be the same or similar language, yes.

14 Q. And then turn you to the next page, just real briefly.
15 You see item number eight it's also early voting, same-day
16 registration?

17 A. Okay. Yes.

18 Q. And it's not got those same three ideas that we were
19 just talking about before?

20 A. It appears to, yes.

21 Q. I'll represent to you that these are substantially
22 similar recommendations as the last email that we just looked
23 at.

24 A. Okay.

25 Q. And these are coming from Mr. Womack, who as we

1 discussed is someone you're familiar with?

2 A. Yes, I know who he is.

3 Q. I'm going to take you through a couple things in this
4 email. In that first paragraph, last sentence of that
5 paragraph, Mr. Womack writes in the past several months we
6 briefed both Speaker Moore and Joe Coletti on these priorities
7 and both seemed receptive to helping improve the quality of our
8 election laws.

9 Were you present in either of those meetings?

10 A. I was not.

11 Q. Were you aware of these meetings?

12 A. I was not.

13 Q. Do you know what was discussed in those meetings other
14 than what Mr. Womack writes here?

15 A. No. I have no knowledge of those meetings.

16 Q. Point you to the last paragraph on this page right
17 before he signs warm regards. The last sentence of that starts
18 I would welcome the opportunity.

19 A. I see it.

20 Q. So it's an invitation by Mr. Womack to meet with you
21 to discuss potential legislation, is that right?

22 A. It says I would welcome the opportunity to meet with
23 you and discuss potential legislation at your convenience.

24 Q. Did you ever take him up on that invitation?

25 A. I remember having one meeting with Mr. Womack.

1 Q. Do you remember about when that would have been?

2 A. I do not. It would have been early in the session.

3 It would have been -- I cannot give you a date, but I would say
4 that it was well before 747. So he wrote that in March. It
5 could have been around that time, but I have no idea.

6 Q. So sometime before the bill crossed over between March
7 and June?

8 A. It could have been before or after March. I don't
9 know when I met him. And it could have been the session
10 before. I know I met him one time in my office.

11 Q. Okay.

12 A. I assume it was after this email, but I don't know.

13 Q. Okay. That's fair. Like you said, a lot of people
14 want to talk to you. Turn you to page two of that document
15 real quick.

16 A. Okay.

17 Q. Right at the very top under title. It says the NCEIT
18 team is drafting legislation in these major categories for
19 consideration by the NCGA.

20 Did you ever see any draft language from NCEIT?

21 A. I don't recall seeing draft language or draft
22 legislation from NCEIT, no.

23 Q. Did you ever see any draft language or legislation
24 from Mr. Womack?

25 A. No. The drafts we use are from our staff.

1 Q. Yeah.

2 A. I don't know what he's referring to.

3 Q. Okay. But you mentioned sometimes you get draft
4 language from people outside?

5 A. People will suggest --

6 Q. Yeah.

7 A. -- things. And the example I gave you was somebody in
8 a family law issue. They actually had a specific change this
9 and I thought that -- I mean, that stuck out, right? But I
10 don't recall getting any drafts from NCEIT.

11 Q. Or Mr. Womack?

12 A. No.

13 Q. Okay. Are you aware of anyone who -- in the
14 legislature who did see information from NCEIT or Mr. Womack?

15 A. No.

16 Q. Okay. All right.

17 MR. SHENTON: Turn to another document which
18 I'll mark as plaintiff's Exhibit-55. It's document number 11.

19 (Document marked as Exhibit-55 for
20 identification.)

21 BY MR. SHENTON:

22 Q. Take a moment to familiarize yourself with that and
23 let me know when you're ready.

24 A. Okay. I see it.

25 Q. Have you seen this email before?

1 A. No. But it looks like I was copied on it.

2 Q. Yeah. You were cc'd on that.

3 A. Yeah.

4 Q. This is an email from Representative Davis to Mr.
5 Womack, is that right?

6 A. This is an email from Representative Davis to Jim
7 Womack, yes.

8 Q. And it was sent on March 11, 2023?

9 A. It was sent on March 11, 2023, yes.

10 Q. So in that first paragraph of Representative Davis's
11 email at the top of page one, the last two sentences of that
12 paragraph. Starts by copy of this email. Do you see that?

13 A. Which line?

14 Q. It's the fourth line, about midway through. By copy
15 of this email.

16 A. Yes.

17 Q. Yeah. By copy of this email to Representative Grey,
18 I'm asking that he review the attachments so we can decide
19 whether or not to file either or both of your suggested
20 legislation.

21 A. Okay.

22 Q. We may want you to meet with us to discuss.

23 A. Okay.

24 Q. To the best of your recollection, did you ever review
25 the attachments by Representative Davis?

1 A. If Representative Davis sent me a sample language that
2 was drafted by staff, I would imagine that I would have
3 reviewed that, yes. Representative Davis is a member of the
4 committee and we also are on J1 together.

5 Q. You specified that if he reviewed anything that was
6 drafted by central staff you would have taken a look at it, is
7 that right?

8 A. Yes.

9 Q. In this email he's not talking about something drafted
10 by central staff --

11 A. I would have looked at it. If Representative Davis
12 sent me something, I would have looked at it. I didn't mean to
13 imply at all it was not central staff. No, I would have paid
14 attention to his emails.

15 Q. Gotcha. Didn't think you were. Just wanted to make
16 sure that it's clear for us and for the record.

17 A. Sure. Yeah.

18 Q. And then in that last sentence of that first paragraph
19 he said we may want to meet with you to discuss. Did you
20 ever --

21 A. I can only -- go ahead and finish your question.

22 Q. Did you ever meet with Representative Davis and Mr.
23 Womack at the same time?

24 A. I don't think so. I have met with Representative
25 Davis on numerous occasions about various things because we're

1 Q. Sure.

2 A. -- computer to see if we actually took action as a
3 committee. There were a couple of bills filed to limit early
4 voting. But I don't recall us taking those up in committee.
5 Now, I could be wrong, but --

6 Q. Is it your understanding that Mr. Womack supported
7 these initiatives from that sentence?

8 A. Well, based on the things that you have sent me, I
9 would say he supports those, yes.

10 Q. Did you have that understanding at the time?

11 A. At what time?

12 Q. During March of 2023.

13 A. I don't know when I met with Jim Womack. It could
14 have been during that time and he would have expressed the
15 things that he was interested in.

16 Q. So when you met with him he would have expressed --

17 A. He would have expressed what they were working on and
18 what they wanted to see passed, just like anybody else would
19 have.

20 Q. To the best of your knowledge, did the idea to -- I'll
21 quote it directly from the email mail here -- to compel
22 same-day registrants to use a provisional ballot, end quote,
23 did that idea come from Mr. Womack?

24 A. That the senate -- what are you talking about?

25 Q. The idea to --

1 A. I don't know where that idea came from.

2 Q. But you know that Mr. Womack supported it?

3 A. Yeah.

4 Q. Yeah.

5 MR. SHENTON: We're at about two hours right
6 now. We can break for lunch now if you want to do that now.

7 MR. STRACH: Is that okay with you? Yeah. All
8 right. Let's just do 30 minutes.

9 MR. SHENTON: Okay.

10 VIDEOTAPE TECHNICIAN: Going off the record.
11 The time is 12:14 p.m.

12 (Lunch break.)

13 VIDEOTAPE TECHNICIAN: Going back on the
14 record. The time is 1:13 p.m.

15 BY MR. SHENTON:

16 Q. Representative Mills, good afternoon.

17 A. Good afternoon.

18 Q. Just before we begin, did you discuss the substance of
19 your testimony here today with anyone over the lunch break?

20 A. No.

21 Q. Great.

22 MR. SHENTON: I'm going to introduce another
23 exhibit. I'm going to mark it as plaintiff's Exhibit-57,
24 document 13.

25 (Document marked as Exhibit-57 for

1 Q. So you think it's a mitigated disaster?

2 A. No, I'm not saying that. I just said I don't agree
3 with the statement.

4 Q. So you don't think it's an unmitigated disaster.
5 Okay. Let me direct you to -- see there's some bullets just
6 below that. Solution number two.

7 A. I see it.

8 Q. That first bullet point. It says change 163-82.7 to
9 make clear what is expected and when it is expected. Mail the
10 new voter verification to the residential address within one
11 day of receiving the VR application.

12 Did I read that right?

13 A. Yeah, it looks like you read that right.

14 Q. I'll represent to you that 163-82.7 is the statutory
15 number in the election code that talks about sending
16 verification mailers to same-day registrants like we have been
17 talking about today.

18 A. Okay.

19 Q. So do you think -- back up. Do you have an
20 understanding of what the pre-747 law required as far as the
21 timing of verification mailers for same-day registrants?

22 A. I cannot tell you offhand.

23 Q. Do you have any general sense?

24 A. We were -- when we were working on the bill, you know,
25 we looked at past legislation.

1 Q. And what did you find?

2 A. Well, like I said, I don't have -- I can't tell you
3 offhand.

4 Q. Sure. Do you remember this being an issue when you
5 were you discussing it?

6 A. An issue? No.

7 Q. Okay. If I told you that past law only required that
8 county boards sending out the verification mailer within a
9 reasonable time after a same-day registrant applied for
10 registration, would that sound right to you?

11 MR. STRACH: Objection. Go ahead.

12 THE WITNESS: If you tell me it said that.

13 BY MR. SHENTON:

14 Q. Do you have any reason to believe that wouldn't be
15 true?

16 A. No, I have no reason.

17 Q. Were you aware that county boards did not take a
18 uniform interpretation of what a reasonable amount of time was
19 to send those mailers out before 747?

20 A. I don't recall discussing that with anyone.

21 Q. So you were never discussing the timing of the
22 verification mailers with anybody?

23 A. I do not recall discussing the timing of verification
24 mailers.

25 Q. And to your recollection, that wasn't a focus in the

1 it from starting on the third Thursday before an election to
2 the second Saturday before an election?

3 A. Yes, it would reduce the number of days. Not a
4 constitutional amendment.

5 Q. Which I'll represent to you that would be eight days.
6 So this might be the one you were thinking of.

7 A. Maybe.

8 Q. Flip back to page one.

9 A. Okay.

10 Q. See the last activity was that it was assigned to the
11 Election Law Committee on March 9, 2023?

12 A. Yeah. This was the whole history, then March -- March
13 9th it would have been signed to committee.

14 Q. So that one hasn't been passed, right?

15 A. No. That indicates that it's still sitting in
16 committee.

17 Q. Okay.

18 MR. SHENTON: Going to introduce another
19 exhibit here, which I'll mark as plaintiff's Exhibit-61,
20 document 18.

21 (Document marked as Exhibit-61 for
22 identification.)

23 THE WITNESS: Thank you.

24 BY MR. SHENTON:

25 Q. I'll represent that this is same version of what we

1 were just looking at but for a different bill, House Bill 485.

2 A. Okay.

3 Q. Flip to page two.

4 A. Yes.

5 Q. So this one, sponsored by Representative Davis. And

6 this would have required certain individuals seeking to

7 register and vote on the same day must vote a provisional

8 ballot. Do you see that?

9 A. Yes.

10 Q. Makes a provisional ballot required for same-day

11 registrants?

12 A. Yes.

13 Q. So flip back to page one real quick. This bill was

14 filed on March 27, 2023, is that right?

15 A. Yes, it appears so.

16 Q. If we look at the sponsors list, second line of that

17 middle box. Your name is listed as one of the sponsors, s

18 right?

19 A. Yes, it is.

20 Q. Do you remember sponsoring this legislation?

21 A. I remember sponsoring several pieces of legislation.

22 This is obviously one of them.

23 Q. This bill was introduced after some of these emails

24 that we have been looking at, right?

25 A. I think you're right, yes.

1 Q. Where various folks, Dr. Jackson, Carol Snow, Mr.
2 Womack had been suggesting various things, some of which
3 included --

4 A. I have never talked to Carol Snow.

5 Q. Right. Not saying you did. Just that they had sent
6 these ideas and these ideas were percolating, fair to say?

7 A. These ideas had been -- yeah, I would say had been
8 around for the time I was in the general assembly, yes.

9 Q. And this language is also pretty similar to the
10 language that the first version of Senate Bill 747 used, right?

11 A. Yes, it would be probably consistent.

12 Q. Okay. Do you remember anything about why you decided
13 to sponsor this legislation?

14 A. You sponsor a legislation a lot of times to -- I'm
15 chairman of the committee. It would be nice to have a say on
16 what's going on with some of the bills and also to have a
17 vehicle because there's certain deadlines that you have to
18 meet. So a lot of times you file bills so you have got
19 something to work with.

20 Q. Sure. Do you remember if any of those factors were at
21 play with this bill specifically?

22 A. No, I don't recall. But I see it was filed in 27,
23 went to -- if this is the complete history, it went to
24 committee on 3/28 and it's been sitting there.

25 Q. Right.

1 Q. And then that second option says upon providing a copy
2 of a current utility bill, bank statement, government check,
3 paycheck, or other government document showing name and address
4 of the voter at the county board of elections where the voter
5 resides before the close of poles on election day. Did I read
6 that right?

7 A. Yes, you did.

8 Q. That list of documents, that's the HAVA documents,
9 right?

10 A. Yes.

11 Q. So to summarize, this statutory language would require
12 same-day registrants to either pass mail verification under
13 82.7 or provide a HAVA document to their county board of
14 elections before the close of polls on election day in order
15 for their ballot to be counted, is that fair?

16 A. Yes.

17 Q. Is that similar to Dr. Jackson's language that we were
18 talking about earlier?

19 A. I would have to go back and look, but there's probably
20 similarities.

21 Q. General concept sounds pretty similar?

22 A. Yeah.

23 Q. General concepts also pretty similar to the NCEIT
24 proposal we were talking about, right?

25 A. Yeah, they all sound pretty similar. Provisions,

1 Q. So you see the middle of that first paragraph there,
2 same-day registration and voting is abused. It's underlined.

3 A. Where do you -- I see -- yeah, it's the one, two,
4 three -- it's the fourth thing underlined.

5 Q. One, two, three, four. That looks right to me.

6 A. Yeah.

7 Q. Do you agree that same-day registration is abused?

8 A. I think that it could be improved and I think that's
9 what House Bill 747 did and we did it with the board's
10 cooperation. Like I said, I think in North Carolina, overall,
11 our elections are run pretty well, but you can always try to
12 make things better. I don't know this person. I haven't read
13 this email, so I don't know -- it's hard for me to characterize
14 what Mr. -- I guess it's Mr. Patrick T. McDonnell in Leland is
15 referring to. I don't know him.

16 Q. So fair to say you don't think same-day registration
17 was being abused before 747?

18 A. As I said, I look at it as can we do better. And I
19 think that's what 747 did. I think it's a good bill. I think
20 we got it right. I think that we followed an excellent process
21 to make the bill. We got the board's input and we made it
22 better.

23 Q. Let's go a little bit further down.

24 A. On this email?

25 Q. Yeah. Just this one.

1 Q. And then you see that next sentence, we have drafted
2 language which would directly address what we understand to be
3 the problem: Same-day registrants who fail --

4 A. I'm sorry, it's been a long day. Tell me --

5 Q. Very next sentence right after that.

6 A. We've drafted -- okay. I see where you're at.

7 Q. We've drafted language which would directly address
8 what we understand to be the problem: Same-day registrants who
9 fail mail verification. Do you see it?

10 A. Okay. I see where he wrote that.

11 Q. Yeah. And then the next sentence, under this
12 proposal, the registrant would get one verification mailing
13 and, if that is returned by the day before canvass, the county
14 board would be instructed to retrieve and discount the ballot.

15 A. I see where he wrote that.

16 Q. That's pretty similar to what the house ended up
17 putting in for the same-day registration provision for 747,
18 right?

19 A. Yeah.

20 Q. And you said that you put that in at the
21 recommendation of the state board?

22 A. Yeah, it came from them.

23 Q. Okay.

24 A. One-day mail came straight from the state board.

25 Q. Do you agree with the state board's characterization

1 here that this proposal would still directly address what we
2 understand to be the problem?

3 A. Okay. Where are we at? I'm sorry.

4 Q. You remember how this document from the state board
5 said --

6 A. Which document?

7 Q. The document we're looking at right now. This one.

8 A. Okay. Where are you at?

9 Q. They said they drafted language which would directly
10 address what we understand to be the problem.

11 A. We have drafted language which would -- I see where he
12 says that.

13 Q. Yeah. And it's same-day registrants who fail mail
14 verification.

15 A. Okay. I see that.

16 Q. Do you agree that that's the problem that the same-day
17 registration provision, the 747 were designed to address?

18 A. Now repeat the question.

19 Q. Basically this document identifies the problem that
20 747 is trying to solve is same-day registrants who fail mail
21 verification?

22 A. Yeah, we wanted to improve same-day registration.

23 Q. Do you agree that that's the problem that you were
24 trying to fix with same-day registration?

25 A. We were trying to make it better for every voter in

1 the state. I don't understand your question.

2 Q. Specifically by addressing same-day registrants who
3 fail mail verification, right? That's the problem that 747 --

4 A. That's one problem that he states. So how can we do
5 same-day registration better.

6 Q. Do you agree with that characterization? Yes or no?

7 A. I don't -- I'm sorry, it's been a long day.

8 Q. Okay.

9 A. Ask it another way.

10 Q. The state board says they interpret the 747 language
11 at this point, which is what you -- the house has gotten from
12 the senate, to be trying to be address the issue of what
13 happens to a same-day registrant who fails mail verification.
14 And they propose the one-mailer system instead of a provisional
15 system?

16 A. That's where the idea came from.

17 Q. Because they thought that it still addressed the same
18 problem, but it was more workable. Do you agree that that's
19 the problem that the same-day registration provision --

20 A. The problem was you had ballots that were probably
21 going to be -- that were counted and then you find out later
22 that it wasn't -- it shouldn't have been counted.

23 Q. Shouldn't have been counted. What do you mean by
24 that?

25 A. Meaning that they weren't a resident.

1 There's page numbers --

2 A. Yes.

3 Q. -- on the attachment?

4 A. Yes.

5 Q. And it's got -- page four is the one we're looking at.

6 A. Page four.

7 Q. Maybe I'm wrong.

8 A. It's been a while since --

9 Q. Page three. I'm sorry.

10 A. Page three?

11 Q. Yeah. So it says 782 in the bottom right-hand corner.

12 A. Okay.

13 Q. So you see section 10 there at the bottom of the page?

14 A. Yes, I see it.

15 Q. Talks about revising same-day registration during
16 early voting. And then it says would require CBE to remove a
17 same-day registrant's ballot from the tabulation if their
18 initial address verification mailing is returned as
19 undeliverable by the business day before the canvass.

20 That's the change that the house ended up proposing
21 and passing for same-day registration, right?

22 A. Yeah, I believe so.

23 Q. And then you see the state board notes on the
24 right-hand column. Right at the top it says this proposal is
25 much more workable than what it would replace.

1 Do you agree with that?

2 A. I think it was more workable than the senate version.

3 I think we made it better, yeah.

4 Q. Is that why you made the change, to make it more
5 workable?

6 A. That's the reason I was onboard. Everybody seemed to
7 like that a lot better and it did seem to be more workable.

8 Q. And then you see in that green highlighting which they
9 label suggestions at the top, they have a recommendation to
10 allow students who have a current identification card for an
11 educational institution and appear on a current list of
12 students residing in on-campus housing to qualify under the
13 HAVA documents provision.

14 A. Yeah. A writing from the school?

15 Q. Yeah.

16 A. Yeah.

17 Q. Then they said this would match the current law, the
18 pre-747 law?

19 A. Yeah. It would be consistent.

20 Q. Did you adopt that recommendation?

21 A. I think our final version has that as the last thing
22 listed, a letter from an institution.

23 Q. Okay.

24 A. I think it does.

25 Q. Do you see anywhere in that section, which does

1 A. Okay.

2 (Audio played.)

3 Q. So we stopped at 41 minutes, 58 seconds. Do you
4 recognize the voices that were speaking there?

5 A. That was Representative Harrison asking the question.

6 Q. And do you recognize the voice that was responding to
7 it?

8 A. That was Jessica, central staff.

9 Q. So that question and answer was talking about how
10 college students were going to vote under this same-day
11 registration provision.

12 Did you consider how college students were going to
13 vote under the new same-day registration provision? Was that
14 something you specifically considered?

15 A. Yes. That's the reason this item six was in there.
16 If I remember correctly, Representative Harrison had spoken to
17 staff and myself and others previously.

18 Q. And did you think that was a good change to the bill?

19 A. I think we have a good bill.

20 Q. Do you think it's reasonable to believe that young
21 voters or college voters would be disproportionally affected by
22 changes in same-day registration?

23 MR. STRACH: Objection. You can answer.

24 THE WITNESS: No. People who move may be.

25 BY MR. SHENTON:

1 A. Listen, there's errors in the system. It's not a
2 perfect system. There's no perfect system. What we try to do
3 is make it the best that we can. We try to perfect it and
4 improve it as we go along. But, you know, humans evolve.
5 There's going to be errors.

6 Q. Do you view it as less responsible to use same-day
7 registration than regular registration?

8 A. How so?

9 Q. Do you think it would be -- let me say it the other
10 way. Do you think it would be more responsible of someone --

11 A. I think that people are responsible for making sure
12 that they get registered if they want to vote. And we have two
13 processes to do that, same day and 25 days out the regular way.

14 Q. So they're both responsible ways to vote?

15 A. And they're both -- yes.

16 Q. Okay. Let's turn to the house floor debate which was
17 the next day, August 16, 2023. So this is the bill comes to
18 the floor. Reported favorably at a committee.

19 A. Okay.

20 Q. Going to do the same thing we did. Just play a few
21 more audio clips and talk about it.

22 A. All right.

23 Q. Want to go to two hours, three minutes, 18 seconds.

24 (Audio played.)

25 Q. Stopped at two hours, six minutes, 25 seconds. Was

1 A. I don't think it did.

2 Q. It didn't end up in the final bill text?

3 A. No.

4 Q. And you asked representatives to oppose the amendment
5 because the one mailer provision was negotiated with the state
6 board, is that right?

7 A. Yeah.

8 Q. And are those negotiations the kind of documents that
9 we have gone through today where they sent over --

10 A. No. You're on the house floor. You're speaking. You
11 know, maybe negotiated was -- it was their input. What I
12 should have said was the idea came from the state board. But
13 when you're on the house floor you're carrying a -- to me it's
14 a pretty big piece of legislation. I chaired a committee. I
15 mean, you're going to misspeak at some time. There was no
16 negotiation. I wasn't going, hey, Paul, what will you give me
17 for this or something like that. Negotiated was probably not
18 the right term to use. It was input. It was guidance that
19 they suggested and we went with it.

20 Q. You also said one mailing is adequate and serves the
21 purpose. You said serves the purpose. Do you mean serves the
22 purpose of --

23 A. What we're trying to achieve. One day -- with -- I'm
24 sorry, it's getting late. But to me it served the purpose of
25 what we're trying to achieve.

1 Q. Which was to --

2 A. Make it better.

3 Q. The goals we talked about before, make is so that
4 everybody who is eligible to vote can vote?

5 A. Yeah. Make it better.

6 Q. Make sure that election administrators have easy time
7 --

8 A. It came from the board. I agreed with it. I think
9 everybody who worked on the bill with me agreed with it. I
10 think we have got a good bill. It seemed to have worked well
11 in the primary.

12 MR. SHENTON: Can we take a quick just
13 two-minute break? Go off the record real quick.

14 VIDEOTAPE TECHNICIAN: Going off the record.
15 The time is 4:31 p.m.

16 (A break was taken.)

17 VIDEOTAPE TECHNICIAN: Going back on the
18 record. The time is 4:37 p.m.

19 MR. SHENTON: I'm going to introduce a document
20 which I'll call plaintiff's Exhibit-88. This is document 63.

21 (Document marked as Exhibit-88 for
22 identification.)

23 BY MR. SHENTON:

24 Q. I'm not going to take too much time with this one. If
25 you go to I believe it's the fourth page. It's got 601 at the

1 A. No, I don't recall.

2 Q. But you might have?

3 A. If somebody brought it to the meetings that we had, we
4 looked at that time. If members would have brought it to my
5 attention, we would have looked at it. But I do not recall.
6 To say I didn't look at any, I wouldn't agree with that.

7 Q. Why not?

8 A. That's a broad statement. I can't agree to that.

9 Q. Okay.

10 A. I can't remember what all people brought.

11 Q. But you wouldn't identify any particular information
12 that you said, oh, yeah, that was important when we were
13 considering this provision?

14 A. No.

15 Q. Okay. Do you have -- are you aware of any verified or
16 I should say any confirmed example of someone who was
17 ineligible using same-day registration to nonetheless vote even
18 though they were ineligible?

19 A. I am not personally -- I do not personally know of an
20 example.

21 Q. And no evidence of any HAVA document being forged or
22 altered by someone using same-day registration?

23 A. Me personally, I am not aware of that. Others
24 expressed interest in those things and concern in those things,
25 other members.

1 Q. Did anyone present evidence of someone forging a HAVA
2 document in the legislative process?

3 A. I do not recall that.

4 Q. Okay. At any point during the drafting process for
5 your Senate Bill 747 did you or someone under your direction
6 contact colleges about mail deliverability issues for students?

7 A. I did not contact colleges.

8 Q. Did you contact the U.S. Postal Service about
9 deliverability issues?

10 A. I did not contact the U.S. Postal Service.

11 Q. I'll represent to you that there's a United States
12 Postal Service study that found that 23 percent of
13 undeliverable mail can be attributed to errors by the postal
14 service. Does that number sound surprising to you?

15 A. I'm unaware of that study.

16 Q. Does that number surprise you?

17 A. I am unaware of that study.

18 Q. Does 23 percent sound high?

19 A. I don't know the document you're referring to. I
20 don't know the study you're referring to. I don't know if
21 that's accurate or not.

22 Q. If it were accurate, would it surprise you?

23 A. Repeat it again.

24 Q. 23 percent of undeliverable mail is the result of a
25 postal service failure.

1 A. Okay. Of undeliverable mail. Okay. Yeah, I don't
2 know.

3 Q. If that were true, would it surprise you? I guess
4 that's my question.

5 MR. STRACH: Objection. Go ahead.

6 THE WITNESS: Yeah, I don't know. I have had
7 -- look, I have told you earlier today that we use the postal
8 service. We were before this bill. Long before this bill.
9 That's what the county boards use. That's what the state board
10 uses. We use the postal service. We use it in other aspects
11 of our lives. We didn't change that aspect of the bill.

12 BY MR. SHENTON:

13 Q. Okay. Do you think the two mailer system has more
14 margin for error than the one-mailer system?

15 A. I don't have an opinion to that. As I said, you know,
16 I've used the mail all my life. We used mail before this bill.

17 Q. So one is just as good as two?

18 A. I think -- yes, I think that it's reliable service and
19 that's the reason we use it. That's the reason why we use it
20 in the legal field too.

21 Q. Did you commission a study on same-day voting at any
22 point during the 747 process?

23 A. Did I commission a study? No, I did not commission
24 any studies.

25 Q. Did you direct anyone to commission a study?

1 A. A study of what?

2 Q. Of same-day registration statistics in North Carolina.

3 A. No, I did not -- I did not ask anyone to study
4 anything.

5 Q. Did you review any such study?

6 A. I'm not sure.

7 Q. Do you remember reviewing any such study?

8 A. It's possible.

9 Q. But no specific recollection comes to mind?

10 A. No.

11 Q. Did you ever see any demographic breakdowns of
12 same-day registration usage in North Carolina?

13 A. No, not that I recall.

14 Q. Didn't request any?

15 A. No.

16 Q. Didn't request any data on how many people fail the
17 first mailer but pass the second mailer?

18 A. I did not request any data.

19 Q. Didn't request any data on people who failed both
20 mailers?

21 A. I didn't request any data.

22 Q. Didn't request any data on people who make
23 reregistration attempts at the same address where they failed
24 verification previously?

25 A. I did not make any such request.

1 Q. Didn't request any data on people who vote
2 provisionally at addresses where they had failed mail
3 verification?

4 A. Can you repeat that?

5 Q. You didn't request any data on registrants who vote
6 provisionally at addresses where they had failed mail
7 verification?

8 A. I did not request anything.

9 Q. And didn't request any data -- strike that. I'm
10 sorry. We are almost done, Representative Mills. I'm going to
11 turn to my last document which has previously been marked
12 plaintiff's Exhibit-43. It's document six. I know it's long,
13 but there's only a few questions.

14 I'll represent to you that this is the legal opinion
15 from the United States Court of Appeals for the Fourth Circuit
16 in the case -- the North Carolina State Conference of the NAACP
17 v. McCrory. This was issued in 2016. This was litigation
18 challenging the 2013 election omnibus bill. I'm going to
19 direct you to page 23 of this document. Going to look at one
20 paragraph. The third paragraph from the bottom. Starts
21 concerning same-day registration. And then halfway through
22 there's a sentence that starts the board acknowledged. Do you
23 see that?

24 A. I see that.

25 Q. I'm going to read a couple of these sentences. And

1 Q. Okay. Without having requested any information, were
2 you generally aware of the demographics of the people who use
3 same-day registration in North Carolina?

4 A. That could be anybody. I mean, I think it's probably
5 most people that move. If you move you -- and you move at a
6 time close to election, you're probably going to be the person
7 using same-day voter registration. That's what it's for.

8 Q. You didn't have any understanding that that was people
9 who were more men than women or older people than younger
10 people?

11 A. People who move. Everybody moves. Women move. Men
12 move.

13 Q. No understanding of any demographic breakdowns like
14 that?

15 A. No.

16 Q. Just got one more line of questions for you and then I
17 think we can wrap it up. I unfortunately don't have a
18 recording for this one, but I'll represent to you that in the
19 committee meeting for the House Elections Committee a
20 representative said, quoting their daughter, she said the
21 problem is that college students don't understand the issues of
22 the local politics or the local people. And she says
23 effectively, when you have a big university in a college town
24 the college students effectively have the ability to completely
25 eliminate essentially the representation of the local people